



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: JSC Associates, Inc.

File: B-261465


Date: May 30, 1995

DECISION

JSC Associates, Inc. protests the award of a contract to Cascade Centers, Inc. by the Department of the Navy under request for proposals No. N00140-95-R-1191. JSC contends that the award price was too low to support the required performance of the contract.

The submissions of a below cost offer is not a valid basis to object to a contract award. An offeror, in its business judgment, properly may decide to submit a price that is extremely low. Diemaster Tool, Inc., B-238877, Apr. 5, 1990, 90-1 CPD ¶ 375. An agency decision that the contractor can perform the contract at the offered price is an affirmative determination of responsibility which we will not review absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. IWK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198. Neither exception applies here.

The protest is dismissed.


Ronald Berger
Associate General Counsel